

Bonnie A. Freeman, Esq. (SB 180502)
bfreeman@sennefflaw.com
SENNEFF FREEMAN & BLUESTONE, LLP
50 Old Courthouse Square, Suite 401
P.O. Box 3729
Santa Rosa, CA 95402-3729
Telephone: 707-526-4250
Facsimile: 707-526-0347

Attorneys for Defendant County of Sonoma

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID W. PIMENTEL,

Case No. C08-02121 EMC

Plaintiff,

vs.

COUNTY OF SONOMA, CITY OF
PETALUMA, OFFICER McGOWAN, POLICE
SGT. STEPHENSON. DOES 1-25.

**[PROPOSED] ORDER GRANTING
DEFENDANT COUNTY OF SONOMA'S
MOTION FOR JUDGMENT ON THE
PLEADINGS
[FRCP Rule 12(c)]**

Defendants.

Date: July 2, 2008
Time: 10:30 a.m.
Ctrm: C, 15th Floor

On July 2, 2008, this Court held the hearing on Defendant County of Sonoma motion for judgment on the pleadings pursuant to FRCP Rule 12(c).

Based upon the evidence and argument presented at the hearing,

IT IS HEREBY ORDERED that Defendant County of Sonoma's Motion for Judgment on the Pleadings is GRANTED. Accepting all of the material facts in the complaint as true, the County of Sonoma is entitled to judgment as a matter of law because there is no *respondeat superior* liability against public entities in claims brought pursuant to 42 U.S.C. Section 1983, and plaintiff has failed to allege an alternate basis for liability against the County of Sonoma.

IT IS SO ORDERED.

DATED: _____

Edward M. Chen
United States Magistrate Judge